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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/170,189	10/13/1998	OLIVIER HERBAUT	1418-40	6524

7590 02/25/2003

HARRISON AND EGBERT  
412 MAIN STREET  
7TH FLOOR  
HOUSTON, TX 77002

EXAMINER

FLEMING, FAYE M

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/170,189

Applicant(s)

HERBAUT, OLIVIER

Examiner

Faye Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. In view of the appeal brief filed on November 26, 2002, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes, Jr. (5,161,819) in view of DiSalvo, et al (4,893,833), and further in view of Tyerman (5,286,547).

Rhodes, Jr. teaches an airbag module comprising a cover 10; an air bag 30; a vehicle bodywork; a body having a first layer 56 and a second layer 52, the body having a first edge and a second edge; a retaining means 60 wherein the retaining means comprises a flap of flexible material, the flap being permanently affixed to the vehicle bodywork such that the body is in hinged relationship to the vehicle bodywork; and a fixing means 58, wherein the fixing means is secured to the second layer, the fixing means comprises a first strip of hook-and-loop material and a second strip of hook-and-loop material complementary to one another and detachably engaged with one another, one of the first and second strips is secured to the body, the other of the first and second strips is secured directly onto the vehicle bodywork, as shown in figure 3 and also see Col. 5, lines 34-36. The body has an embellishment sheet 16' extending over a surface of the first layer opposite the second layer. The fixing means 58 being affixed adjacent the second edge of the body. The bodywork comprises a projection 10a extending outwardly of the housing, the projection has one end affixed to the bodywork and another end adjacent the opposite edge of the body, as shown in figure 2. The body has a rounded portion 12a at the opposite end, the rounded portion is releasably received within a groove formed on the bodywork, as shown in figure 2.

Rhodes, Jr. discloses the claimed invention except for the flap of flexible material integrally formed with the first edge of the body. DiSalvo, et al teaches an airbag deployment opening having a support layer 38 integrally formed with the first edge of the body 12. Based on the teachings of DiSalvo, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the flap of

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Rhodes, Jr. to be integrally formed with the first edge of the body to provide strength and support for the flap.

Rhodes, Jr. in view of DiSalvo, et al discloses the claimed invention except for the first layer of the body being made of thermoformable synthetic material. Tyerman teaches a method of making a protective coating comprising a thermoformable synthetic material. Based on the teachings of Tyerman, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag module of the combination of Rhodes, Jr. and DiSalvo, et al to achieve a desired shape.

### ***Conclusion***


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Sakurai and Knight, IV, et al references each disclose some features in common with the present invention such as a airbag cover having a body wherein the body comprises a flap of material integrally formed and extending from the edge of the body.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-2571 for regular communications and (703) 308-2571 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Faye Fleming  
Examiner  
Art Unit 3616  
02/06/03

  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
2/10/03